

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL LAYMAN,

Petitioner,

v.

9:02-CV-1095

VICTOR T. HERBERT, Superintendent,

Respondent.

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APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

MICHAEL LAYMAN

Petitioner, *Pro Se*

97-A-6469

Attica Correctional Facility

P.O. Box 149

Attica, New York 14011

FOR THE DEFENDANT:

HON. ELIOT SPITZER

Attorney General for the State of New York

Attorney for Respondent

Litigation Bureau

The Capitol

Albany, NY 12224

NELSON R. SHEINGOLD, ESQ.

Assistant Attorney General

NORMAN A. MORDUE, DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 26<sup>th</sup> day of October, 2005. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed

by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

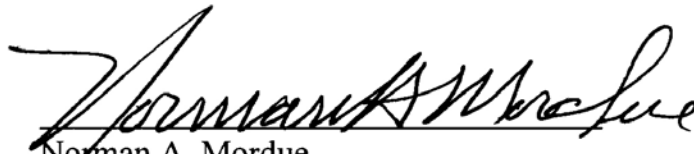
ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The Petition for a Writ of Habeas Corpus is denied.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: November 18, 2005  
Syracuse, New York

  
Norman A. Mordue  
U.S. District Judge